

BEFORE THE  
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF: )  
 )  
ILLINOIS-AMERICAN WATER )  
COMPANY ) No. 08-0083  
 )  
Application for a Temporary )  
and Permanent Certificate of )  
Public Convenience and )  
Necessity to Provide Water and )  
Sanitary Sewer Service to a )  
Parcel in DuPage County, )  
Illinois pursuant to Section )  
8-406 of the Public Utilities )  
Act. )

Chicago, Illinois

May 29, 2008

Met pursuant to notice at 10:30 a.m.

BEFORE :

MS. KATINA HALOULOS, Administrative Law Judge.

APPEARANCES :

MS. MARY SULLIVAN  
100 North Waterworks Drive  
Belleville, Illinois 62223  
appeared for Illinois-American  
Water Company, telephonically;

1 APPEARANCES: (Cont.d)

2 MS. MEGAN McNEILL and  
3 MS. LINDA BUELL  
4 160 North LaSalle Street  
5 Chicago, Illinois 60601  
6 appeared for Commission Staff.

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18 SULLIVAN REPORTING COMPANY, by  
19 Teresann B. Giorgi, CSR

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1		<u>I N D E X</u>				
2				Re-	Re-	By
3	<u>Witnesses:</u>	<u>Dir.</u>	<u>Crx.</u>	<u>dir.</u>	<u>crx.</u>	<u>Examiner</u>
4	Kevin Hillen	12				
5	Thomas Smith	14				
6	Allen Pregozen	18				
7						
8		<u>E X H I B I T S</u>				
9	<u>IABC</u>	<u>For Identification</u>			<u>In Evidence</u>	
10	BK 1.10		----			14
11	BK 1.0		----			14
12	KFH 2.0		----			14
13	<u>STAFF</u>					
14	1.0		----			17
15	2.0		----			16
16	3.0		----			19
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1 JUDGE HALOULOS: Pursuant to the authority of  
2 the Illinois Commerce Commission, I now call  
3 Docket 08-0083, Illinois American Water Company.  
4 This is an Application for a Temporary and Permanent  
5 Certificate of Public Convenience and Necessity to  
6 provide water and sanitary sewer service to a parcel  
7 in DuPage County, Illinois, pursuant to Section  
8 8-406 of the Public Utilities Act.

9 Will you please state your name for  
10 the record?

11 MS. MCNEILL: Appearing on behalf of Staff  
12 witnesses for the Illinois Commerce Commission,  
13 Megan McNeill and Linda Buell, 160 North LaSalle,  
14 Chicago, Illinois 60601.

15 MS. SULLIVAN: Mary Sullivan on behalf of  
16 Illinois-American Water, 100 North Waterworks Drive,  
17 Belleville, Illinois 62223. My phone number is  
18 618-239-3261.

19 MR. HILLEN: And Kevin Hillen, Illinois-American  
20 Water, 1000 Internationale Parkway, Woodridge,  
21 Illinois 60517, telephone, 630-739-8959.

22 JUDGE HALOULOS: Okay. And it's my

1 understanding you want to proceed to move some stuff  
2 into the record.

3 MS. BUELL: Yes, your Honor, that's correct.

4 Staff is prepared to offer all of its  
5 exhibits into the evidentiary record today, and I  
6 believe the Company is, as well.

7 MS. SULLIVAN: Yes, your Honor.

8 MS. BUELL: Mary, did you want to go ahead,  
9 first?

10 MS. SULLIVAN: Yes. Can I have my witness,  
11 Kevin Hillen sworn in first?

12 MS. BUELL: Your Honor, would you like to swear  
13 in Tom Smith and Allen Pregozin at the same time?

14 JUDGE HALOULOS: Yes.

15 (Witnesses sworn.)

16 JUDGE HALOULOS: Proceed, please.

17 MS. SULLIVAN: I would like to call my first  
18 witness, Kevin Hillen.

19 JUDGE HALOULOS: Okay.

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1 KEVIN HILLEN,  
2 called as a witness herein, and after having been  
3 first duly sworn, was examined and testified as  
4 follows:

5 DIRECT EXAMINATION

6 BY

7 MS. SULLIVAN:

8 Q Kevin, would you please state your name for  
9 the record.

10 A Kevin Hillen.

11 Q Would you please spell your last name.

12 A H-i-l-l-e-n.

13 Q Kevin, are you the same Kevin Hillen who  
14 filed rebuttal testimony in this docket on e-Docket,  
15 May 28th, 2008?

16 A Yes, I am.

17 Q And did your rebuttal testimony consist of  
18 three pages?

19 A Yes, it did.

20 Q And was the purpose of your rebuttal  
21 testimony to adopt the Direct Testimony of Bob Khan?

22 A Yes.

1 Q And did you review the Direct Testimony of  
2 Bob Khan?

3 A Yes.

4 Q And did Bob Kahn's testimony consist of ten  
5 pages, eight pages written testimony and two pages  
6 marked as an Exhibit BKH 1.1?

7 A That's correct, yes.

8 Q Kevin, in reviewing -- was Bob's testimony  
9 filed February 15, 2008 on e-Docket?

10 A Yes.

11 Q If you were asked the questions in your  
12 rebuttal testimony and a portion of Bob Kahn's  
13 testimony that you adopted, if you were asked those  
14 questions today, would your answers be the same  
15 today as they were when you drafted your testimony?

16 A Yes.

17 MS. SULLIVAN: Your Honor, we move for the  
18 admission of the exhibits that were previously filed  
19 on e-Docket marked IAWC Exhibit BK 1.10, including  
20 BK 1.1 and IWAC Exhibit No. KFH 2.0.

21 JUDGE HALOULOS: Staff has no objection?

22 MS. BUELL: No objection, your Honor.

1 JUDGE HALOULOS: Then it will be moved into the  
2 record.

3 (Whereupon, IAWC Exhibits  
4 BK 1.10, BK 1.1 and KFH 2.0  
5 were received in evidence)

6 MS. SULLIVAN: We have nothing further, your  
7 Honor.

8 JUDGE HALOULOS: Okay. Staff?

9 MS. BUELL: Thank you, your Honor.

10 Staff calls Thomas Smith for the  
11 record.

12 THOMAS SMITH  
13 called as a witness herein, and after having been  
14 first duly sworn, was examined and testified as  
15 follows:

16 DIRECT EXAMINATION

17 BY

18 MS. BUELL:

19 Q Would you please state your name for the  
20 record and indicate your business address.

21 A My name is Thomas Q. Smith, the business  
22 address, 527 East Capitol Avenue, Springfield,



1 Illinois 62701.

2 Q And, Mr. Smith, did you prepare written  
3 exhibits for submittal in this proceeding?

4 A Yes, I did.

5 Q Do you have before you a document which is  
6 titled, Verified Statement of Thomas Q. Smith, which  
7 has previously been marked for identification as  
8 ICC Staff Exhibit 1.0?

9 A I have that document.

10 Q And did you prepare that document for  
11 presentation in this matter?

12 A I did.

13 Q And do you have any corrections to make to  
14 it?

15 A No.

16 Q Is the information true and correct to the  
17 best of your knowledge?

18 A Yes, it is.

19 Q And if I were to ask you the same questions  
20 today -- the same information, rather, would the  
21 information be the same?

22 A It would be.

1           Q       Do you also have before you the Direct  
2 Testimony of Thomas Q. Smith, which has previously  
3 been marked for identification as ICC Staff  
4 Exhibit 2.0?

5           A       I have that.

6           Q       Is it correct that this document consists  
7 of a cover page and ten pages of narrative  
8 testimony?

9           A       That is correct.

10          Q       Do you have any corrections to make to this  
11 ICC Staff Exhibit 2.0?

12          A       I have no corrections.

13          Q       And is the information true and correct to  
14 the best of your knowledge?

15          A       Yes, it is.

16          Q       If you were asked the same questions today,  
17 would your responses be the same?

18          A       Yes.

19          MS. BUELL: Your Honor, Staff moves for the  
20 admission to evidentiary record, ICC Staff  
21 Exhibit 1.0, which is the Verified Statement of  
22 Thomas Q. Smith, which was filed via the

1 Commission's e-Docket system on February 28th, 2008,  
2 and also the Direct Testimony of Thomas Q. Smith,  
3 which has previously been marked for identification  
4 as ICC Staff Exhibit 2.0, and was filed via the  
5 Commission's e-Docket system on May 21st 2008.

6 JUDGE HALOULOS: Counsel, do you have any  
7 objections?

8 MS. SULLIVAN: No objections, your Honor.

9 JUDGE HALOULOS: Okay. They will be moved into  
10 the record.

11 MS. BUELL: Thank you, your Honor.

12 (Whereupon, ICC Staff  
13 Exhibits 1.0 and 2.0 were  
14 received into evidence.)

15 MS. BUELL: Staff calls Allen Pregozen to the  
16 stand.

17 JUDGE HALOULOS: Okay.

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1 ALLEN PREGOZEN

2 called as a witness herein, and after having been  
3 first duly sworn, was examined and testified as  
4 follows:

5 DIRECT EXAMINATION

6 BY

7 MS. BUELL:

8 Q Please state your full name for the record  
9 and spell your last name.

10 A My name is Allen Pregozen, P-r-e-g-o-z-e-n.

11 Q And, Mr. Pregozen, what is your -- who is  
12 your employer and what is your business address?

13 A I'm employed by the Illinois Commerce  
14 Commission. My business address is 527 East Capitol  
15 Avenue, Springfield, Illinois 62701.

16 Q Mr. Pregozen, do you have a document before  
17 you, which is titled, Affidavit of Allen Pregozen  
18 and has previously been marked for identification as  
19 ICC Staff Exhibit 3.0?

20 A Yes, I do.

21 Q And did you prepare that document for  
22 presentation in this matter?

1       A       Yes, I did.

2       Q       Do you have any corrections to make to it?

3       A       No, I don't.

4       Q       Is the information true and correct to the  
5 best of your knowledge?

6       A       Yes, it is.

7       Q       And if I were to ask you the same  
8 information and the same opinion today, would the  
9 information and your opinion be the same?

10      A       Yes, it is.

11      MS. BUELL: Your Honor, Staff moves for the  
12 admission to the evidentiary record the Affidavit of  
13 Allen Pregozen, previously marked for identification  
14 as ICC Staff Exhibit 3.0 and filed via the  
15 Commission's e-Docket system on May 21st, 2008.

16      JUDGE HALOULOS: Counsel, any objection?

17      MS. SULLIVAN: No objections, your Honor.

18      JUDGE HALOULOS: Okay. Then that will be moved  
19 into the record as well.

20      MS. BUELL: Thank you, your Honor. Staff has no  
21 further exhibits.

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1                               (Whereupon, ICC Staff's  
2                               Exhibit 3.0 was received  
3                               into evidence.)

4       JUDGE HALOULOS:   Is there anything further from  
5 the parties?

6       MS. BUELL:   Your Honor, prior to going on the  
7 record, the parties discussed the possibility of  
8 preparing a draft proposed order to submit to you,  
9 if you would like such document.

10      JUDGE HALOULOS:   That sounds great.

11      MS. BUELL:   And we had also discussed before  
12 going onto the record that Illinois-American would  
13 prepare that draft proposed order, send it to Staff  
14 and Staff would provide comments to the Company, and  
15 when those comments were incorporate the draft  
16 proposed order would be filed sometime during the  
17 week of July -- Mary, what did we say?

18      MS. SULLIVAN:   The 7th.

19      MS. BUELL:   The week of July 7, 2008, if that's  
20 acceptable, your Honor.

21      JUDGE HALOULOS:   Yes, that's great.   That's  
22 fine.

1 MS. BUELL: Nothing further from Staff in that  
2 case.

3 MS. SULLIVAN: Nothing further from the Company.

4 JUDGE HALOULOS: Okay. Then we're through.

5 MS. BUELL: Thanks very much.

6 MS. SULLIVAN: Thank you.

7 JUDGE HALOULOS: Thank you.

8 HEARD AND TAKEN

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